

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:23-CV-111-KDB-DCK**

COURTNEY HILL,)	
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
INVESTORPLACE MEDIA, LLC,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion To Dismiss Plaintiff’s Complaint” (Document No. 16) filed September 1, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will direct that the pending motion to dismiss be denied as moot.

Federal Rule of Civil Procedure 15 applies to the amendment of pleadings and allows a party to amend once as a matter of course within 21 days after serving, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1).

Plaintiff filed a “First Amended Class Action Complaint” (Document No. 21) pursuant to Fed.R.Civ.P. 15(a)(1)(B) on September 13, 2023. It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original

pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”).

In addition, the undersigned notes that “Defendant’s Motion To Dismiss Plaintiff’s Amended Complaint” (Document No. 22) was filed September 27, 2023.

IT IS, THEREFORE, ORDERED that “Defendant’s Motion To Dismiss Plaintiff’s Complaint” (Document No. 16) is **DENIED AS MOOT**.

SO ORDERED.

Signed: October 4, 2023



David C. Keesler
United States Magistrate Judge
